



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,196	04/06/2004	Mark Joseph Kapczynski	576396-5	7415

23879 7590 06/27/2005

BRIAN M BERLINER, ESQ
O'MELVENY & MYERS, LLP
400 SOUTH HOPE STREET
LOS ANGELES, CA 90071-2899

EXAMINER

BLACK, LINH

ART UNIT PAPER NUMBER

2167

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,196

Applicant(s)

KAPCZYNSKI ET AL.

Examiner

LINH BLACK

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/29/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to Applicants' Response dated 3/30/05. Claims 1-17 are pending in the application. Claims 1 and 10 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandra et al. (US 2002/0138582), and further in view of "Question of the Day" by Howstuffworks, Inc., Copyright 1998-2001.

1. As per claim 1, Chandra et al. teach client services and data routing with trusted relationship – paragraphs 0293, 0350, 0406, 0573; 0636; the transmitting of messages having elements other than text: multimedia – par. 0015-0016; event messages with header (metadata portion) and body (data portion) – par. 0576; converting of data into a format that can be understood by an interface of the custom presenter – pars. 0397, 0400, table 5. Chandra et al. do not explicitly disclose an

encoder converting a first information form from the information manufacturers into data having an essence data portion and metadata portion. However, the article "Question of the Day" by Howstuffworks, Inc., teaches "On the Internet, the network breaks an e-mail message into parts of a certain size in bytes. These are the packets. Each packet carries the information that will help it get to its destination" – page 1, 2nd paragraph under the title "Answer". However, messages/media get encoded and get associated with its metadata because packets contain headers (metadata portion) and bodies (data portion) – page 2. Messages/media then get routed based on the theirs associated metadata (headers) – page 1, 2nd last paragraph; page 3, 1st paragraph. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Chandra et al.' teaching with Howstuffworks, Inc.'s teaching to better allow an efficient way routing of data because of load balancing.

2. As per claim 2, Chandra et al. teach an end client coupled with said system server; wherein said second information form is viewed on said end client – fig. 2b, element 249; pars. 0180, 0204.
3. As per claim 3, Chandra et al. teach wherein said end client is a remote controllable end client, wherein said end client informs said system server via said IMR of its status and availability, and wherein said system server via said IMR issues a route

Art Unit: 2167

and a play-out routine of said second information form – pars. 0020, 0215, 0257, 0303, 0330, 359, 0674-0677.

4. As per claim 4, Chandra et al. teach wherein said play-out routing has a predefined play-out time for said second information form on said end client – pars. 0457, 0500-0502, 0553-0555.
5. As per claim 5, Chandra et al. teach a plurality of clients coupled with said system server – pars. 0180, 0196; remote player client – pars. 0674-0677; lightweight directory access protocol – par. 0207; an HTML client – par. 0210; a legacy client – par. 0040.
6. As per claim 6, Chandra et al. teach determine the format of said second information form to be created out of said data – pars. 0211, 0303, 0330.
7. As per claim 7, Chandra et al. teach a global unique identifier – pars. 0149, 0347, 0564.
8. As per claim 8, Chandra et al. teach digital media objects can be processed, transferred and displayed – figs. 12(image objects), 14A (graph object); par. 0252 with multimedia protocols.

9. As per claim 9, Chandra et al. teach a second system server; and an end client – fig. 2e (exchange 2000 server, IIS web server, Database SQL server, Host integration server), clients 2000; pars. 0135, 0180; wherein said second information form is routed to said second system server prior to being routed to said end client – fig. 18d; pars. 0612-0615.

Allowable Subject Matter

Claims 10-17 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

Art Unit: 2167


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LINH BLACK
Examiner
Art Unit 2167

June 22, 2005



Primary Examiner